

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRUCE KEITHLY, DONOVAN LEE, EDITH )  
ANNA CRAMER, and MATTHEW )  
BEBBINGTON, individually and on behalf of )  
all others similarly situated, )

Interim Lead Plaintiffs, )

v. )

INTELIUS, INC., a Delaware Corporation; and )  
INTELIUS SALES LLC, a Nevada Limited )  
Liability Company, )

Defendants, )

v. )

ADAPTIVE MARKETING, LLC, a Delaware )  
Limited Liability Company, )

Third Party Defendant. )

No. C09-1485RSL

**DECLARATION OF MARK A.  
GRIFFIN IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' RULE 12(c) MOTION  
FOR JUDGMENT ON THE  
PLEADINGS**

**NOTED: Friday, September 17, 2010**

**ORAL ARGUMENT REQUESTED**

I, Mark A. Griffin, do certify and state:

1. I am a partner at the law firm Keller Rohrbach, L.L.P., one of the two co-lead firms representing Lead Plaintiffs Bruce Keithly, Donovan Lee, Edith Anna Cramer, and Matthew Bebbington ("Plaintiffs") in this case. I submit this declaration in support of Plaintiffs'

1 Opposition to Defendants' Rule 12(c) Motion for Judgment on the Pleadings to Dismiss  
2 Plaintiffs' Amended Consolidated Class Action Complaint.

3 2. Attached hereto as Exhibit A is a true and correct copy of "Aggressive Sales  
4 Tactics on the Internet and Their Impact on American Consumer," Staff Report for Chairman  
5 John D. Rockefeller IV of the United States Senate Committee on Commerce, Science, and  
6 Transportation, dated November 16, 2009.

7 3. Attached hereto as Exhibit B is a true and correct copy of the Prepared Statement  
8 of Robert J. Meyer presented to the United States Senate Committee on Commerce, Science, and  
9 Transportation, dated November 17, 2009.

10 4. Attached hereto as Exhibit C is a true and correct copy of the Testimony of  
11 Florencia Marotta-Wurgler before the United States Senate Committee on Commerce, Science,  
12 and Transportation, dated November 17, 2009.

13 5. Attached hereto as Exhibit D is a true and correct copy of the Washington  
14 Attorney General's complaint against Intelius, Inc., filed on July 23, 2010 in King County  
15 Superior Court for the State of Washington.

16 6. Attached hereto as Exhibit E is a true and correct copy of the Consent Decree  
17 entered into between the Washington Attorney General and Intelius, Inc. to settle the claims  
18 asserted in the July 23, 2010 Washington Attorney General's complaint against Intelius, Inc.  
19 The Consent Decree was filed on August 10, 2010 in King County Superior Court for the State  
20 of Washington.

21 7. Attached hereto as Exhibit F is a true and correct copy of the April 5, 2010 letter  
22 from Karin B. Swope, one of the attorneys representing Plaintiffs, to the Washington State  
23 Office of the Attorney General transmitting copies of the complaints in *Keithly, et al. v. Intelius*  
24 *Inc.*, et al., C09-1485RSL and *Bebbington v. Intelius, Inc.*, et al., C10-500RAJ pursuant to RCW  
25 19.86.095.

8. Attached hereto as Exhibit G is a true and correct copy of “FTC Negative Options: A Report By the Staff of the FTC Division of Enforcement” (2009).

9. Attached hereto as Exhibit H is a true and correct copy of “Intelius Consumer Site Terms and Conditions,” which holds at paragraph 12 that “[t]his agreement shall be governed by Washington law.”

10. Attached hereto as Exhibit I is a true and correct copy of “Dot Com Disclosures: Information About Online Advertising.”

11. Attached hereto as Exhibit J is a true and correct copy of a letter from the state attorneys general of fourteen states submitted comments urging the FTC to address free-to-pay conversions in the revised rule and prohibit sharp practices like the ones seen here dated October 13, 2009.

I certify under penalty of perjury that all of the foregoing statements made by me are true and correct.

DATED this 13th day of September, 2010.

By /s/ Mark A. Griffin

Mark A. Griffin, WSBA #16296

**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2010, I caused to be served a true and correct copy of the DECLARATION OF MARK A. GRIFFIN IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' RULE 12(c) MOTION FOR JUDGMENT ON THE PLEADINGS on the following recipients via the method indicated:

Arthur W. Harrigan, Jr., WSBA #1751  
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*Attorneys for Intelius, Inc and  
Intelius Sales, LLC*

DATED this 13th day of September, 2010.

/s/ Mark A. Griffin  
Mark A. Griffin